

FILED

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SEP 03 2008

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

UNITED STATES DISTRICT COURT

BY

SOUTHERN DISTRICT OF CALIFORNIA

*MSK/KL*

UNITED STATES OF AMERICA, ) Magistrate Case No.: 08MJ8791  
)  
Plaintiff, ) COMPLAINT FOR VIOLATION OF  
)  
v. ) 8, U.S.C. § 1324(a)(1)(A)(ii)  
Jovanna Lisset FERNANDEZ (2) ) Illegal Transportation  
Defendants. ) of Aliens (Felony)  
\_\_\_\_\_  
"AMENDED"

The undersigned complainant being duly sworn states:

On or about August 29, 2008, within the Southern District of California, defendants Irma Yanet AYON de Fernandez and Jovanna Lisset FERNANDEZ, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that a alien, namely, Violeta SANCHEZ-Correa, had come to, entered and remained in the United States in violation of law, did transport and move, and attempt to transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

*Oscar U. Sanchez*  
OSCAR U. SANCHEZ  
Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3<sup>RD</sup> DAY  
OF SEPTEMBER 2008.

*Peter C. Lewis*  
PETER C. LEWIS  
U. S. Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

2 Irma Yanet AYON de Fernandez (1)  
3 Jovanna Lisset FERNANDEZ (2)

4

5 STATEMENT OF FACTS

6 The Complaint is being amended to include Jovanna Lisset  
7 FERNANDEZ as a co-defendant.

8 The complainant states that this complaint is based upon  
9 statements in the investigative reports by U.S. Border Patrol Agent  
10 S. Templine that on August 29, 2008, the defendant, Irma Yanet AYON  
11 De Fernandez a United States citizen, was apprehended in Calexico,  
12 California, along with (1) one undocumented alien from Mexico, in  
violation of law.

13 On August 29, 2008, at approximately 3:00 P.M. U.S. Border  
14 Patrol Agent's witnessed an individual, later identified as Violeta  
15 SANCHEZ-Correa, make an illegal entry into the United States by  
16 climbing over the International Boundary Fence from Mexico east of  
17 Calexico, California. Agents soon observed a white-colored Ford  
18 Explorer come south on Bowker Road toward SANCHEZ's location. Agent  
19 Templin was able to see the driver of the Ford was a female, later  
20 identified as Irma Yanet AYON De Fernandez, and that she was  
21 wearing a dark colored shirt. Agent Templine was also able to see  
22 the passenger, later identified as Jovanna Lisset FERNANDEZ, was  
23 wearing a bright colored purple shirt. The agents watched as the  
24 Ford make a U-turn and head north again on Bowker Road. Agents saw  
25 the Ford pull to a stop and SANCHEZ board the Ford. The Ford  
26 continued northbound on Bowker Road away form the border area.  
27 Agents were able to follow the Ford into the city of Calexico.

1 Agents report the vehicle was traveling well above the posted speed  
2 limits as it traveled into the city. At the intersection of  
3 Eisenhower Avenue and Johnson Street, Agent Templin saw the Ford  
4 come to an abrupt stop and SANCHEZ exit the Ford. SANCHEZ ran into  
5 the yard of a nearby house and attempt to hide herself.

6 The Ford began traveling toward the Agents. As the Ford  
7 approached the Agents it came to a stop and Agent Templin could see  
8 AYON and FERNANDEZ were still seated in the same positions they were  
9 in when SANCHEZ boarded the Ford. As Agent Templin approached the  
10 Ford, he identified himself to AYON and FERNANDEZ and questioned  
11 them. It was determined both AYON and FERNANDEZ are citizens of the  
12 United States, AYON and FERNANDEZ stated they were on their way to  
13 Mexicali, Mexico.

14 As Agent Templin questioned AYON and FERNANDEZ, Agents B.  
15 Whittenburg and J. Policastro approached SANCHEZ. After identifying  
16 themselves to SANCHEZ, they questioned her and determined she is a  
17 citizen of Mexico illegally in the United States. AYON, FERNANDEZ  
18 and SANCHEZ were placed under arrest.

19 At the station, Agent J. Sanchez witnessed Agent M. Hernandez  
20 read AYON her rights and later read FERNANDEZ her rights per  
21 Miranda. FERNANDEZ stated she was coming from Mexicali, Mexico.  
22 FERNANDEZ stated nobody ever got into the vehicle she was in.  
23 FERNANDEZ stated neither her mother nor her have ever been arrest  
24 for alien smuggling before, although she has been questioned about  
it.

25 Material Witness Violeta SANCHEZ-Correa stated she made  
26 arrangement with a smuggler in Mexico to be smuggled into the  
27 United States for the fee of \$3,200. SANCHEZ stated she was told

1 after crossing the border fence to run north and find a tree.  
2 SANCHEZ stated after finding the tree a white truck stopped right  
3 in front of her and the passenger, FERNANDEZ, opened the door and  
4 told her to get in. SANCHEZ stated FERNANDEZ helped her get in the  
5 truck and the driver, AYON, told her to sit down. SANCHEZ stated  
6 later AYON told her to get out of the truck in a fast manner and  
7 hide. SANCHEZ was shown six-pack photo-lineup #1 and identified  
8 photo #1, AYON, as the driver of the vehicle. SANCHEZ was shown  
9 six-pack photo line-up #2 and identified photo #2, FERNANDEZ, as  
10 the passenger who opened the door for her.

11 The complainant states that the names of the Material  
12 Witnesses are as follows:

NAME	PLACE OF BIRTH
Violeta SANCHEZ-Correa	Mexico

16 Further, complainant states that Violeta SANCHEZ-Correa is a  
17 citizen of a country other than the United States; that said alien  
18 has admitted that she is deportable; that her testimony is  
19 material, that it is impracticable to secure her attendance at the  
20 trial by subpoena; and she is a material witness in relation to  
21 this criminal charge and should be held or admitted to bail  
22 pursuant to Title 18, United States Code, Section 3144.